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TOWN CLERK ☐

TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS

Regular Session

JUNE 11, 2007

AGENDA

*Received
6/11/07*

7:30 p.m. – Roll Call

PRELIMINARY MEETINGS:

1. **DR. LOUIS CAPP** (07-23) Request for 11,443 sq. ft. Minimum Lot Area and; 36.25 ft. Rear Yard Setback and; 35% Developmental Coverage for proposed addition to existing medical office at 534 Blooming Grove Tpk in a PO Zone **(46-2-50.31)**
2. **GARY WALTERS** (07-24) Request for 2 ft. Max Height for proposed 6 ft. fence to project between the house and the road at 6 Hillcrest Drive in an R-4 Zone **(59-2-2)**
3. **BLOOM & BLOOM** (07-27) Request for 32 ft. Rear Yard Setback for proposed addition to existing commercial office building at 530 Blooming Grove Tpk. in a PO Zone **(46-2-50.1)**
4. **MICHAEL LUCAS** (07-28) Request for 13,012 sq. ft. for Lot #1 and; 13,012 sq. ft. for Lot #2 for Minimum Lot Area for proposed subdivision at Rt. 94 & Lucas Drive in an R-4 Zone **(16-2-9)**
5. **MARIE & PHILIP INGENITO** (07-29) Request for 25 ft. Minimum Lot Width and; 4 ft. Side Yard Setback and; Interpretation and/or use variance for single family home with two kitchens for proposed addition to existing home at 438 Bull Road in an R-1 Zone **(52-1-13.6)**
6. **NORTH PLANK DEVELOPMENT CO.** (07-25) Request for interpretation and/or use variance to permit Day Spa in a PI Zone at 673 Little Britain Road **(4-1-27.1)**
7. **VITO A. RIZZI** (07-26) Request for interpretation and/or use variance to extend commercial use into R-4 Zone at 287 Windsor Highway in a C/R-4 Zone **(35-1-52)**

PUBLIC HEARINGS:

8. **WILLIAM SARVIS (by Zen Design)** (07-13) Request for 9.1 ft. Side Yard Setback and 32.3% Developmental Coverage for proposed addition to existing detached garage at 167 Moores Hill Road in an R-1 Zone **(32-2-57)**

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
JUNE 11, 2007

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
ERIC LUNDSTROM
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

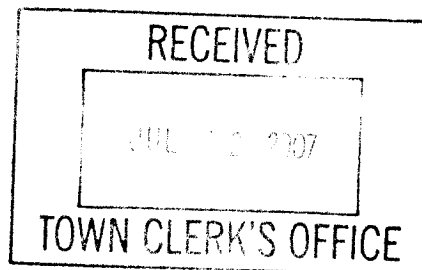
ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: KIMBERLY GANN

REGULAR_MEETING _____

MR. KANE: I'd like to call to order the June 11, 2007
meeting of the New Windsor Zoning Board of Appeals.



PRELIMINARY_MEETINGS

DR._LOUIS_CAPPA_(07-23)

MR. KANE: Tonight's first preliminary meeting Dr. Louis Cappa. Request for 11,443 square foot minimum lot area and 36.25 foot rear yard setback and 35% developmental coverage for proposed addition to existing medical office at 534 Blooming Gorge Turnpike.

What the Town of New Windsor does is we hold two meetings, we hold a preliminary meeting and we hold a public meeting. By law, New York State, all our decisions have to be made in the form of a public meeting. And the reason we hold preliminary is to get a general idea what you want to do, if you need more information you can come back with that information. Other towns if you walk in and you don't have what you need you lose, that's why we do a two step process here. What happens here in the preliminary meeting will be the exact same thing as in the public, so it's kind of a dress rehearsal. Okay, your name, speak loud enough for the young lady over there to hear you.

MS. PAGANO: Christine Pagano from Coppola Associates. We represent Jill and Dr. Lou Cappa who currently have an existing doctor's office in New Windsor and we're looking to put an addition on at 3,757 square feet and we're actually looking for a lot variance because the minimum lot variance required is 43,560 and the proposed is 32,117 so we're looking for a variance for that. Also the setback we're going to, it's 24, 40 is required and the proposed is 13.9, we're meeting the existing setback of the existing building and also the developmental coverage required is 20 percent and the proposed is 55 percent so we're 35 percent over so we're looking for the variance for that.

(Whereupon, Mr. Krieger entered the room.)

MR. LUNDSTROM: Question. The proposed development coverage does that include the paved parking areas?

MS. PAGANO: Yes, we conform to the number of parking, we're handicapped accessible, the existing entrance here remains the same.

MR. KANE: On the 13 foot?

MS. PAGANO: In the rear?

MR. KANE: Yeah, rear yard setback, what's behind you I see there's a utility easement, I see Sandcastle Homes, how close are the homes?

MS. PAGANO: There are no homes as of yet, there's a cul-de-sac in here.

MR. BABCOCK: It's a new subdivision.

MR. KANE: Mike, do we know how wide that easement is there?

MS. PAGANO: Drainage easement is 15 foot.

MR. BABCOCK: The rear yard setback for those homes would be 45 feet so the home would be minimum of 45 feet from that property line.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the addition?

MS. PAGANO: Just trees in the lot that Dr. Cappa purchased, he purchased the lot next to his existing office building and there's trees on this lot that would have to be knocked down.

MR. KANE: Substantial amount?

MS. PAGANO: No.

MR. KANE: Create any water hazards or runoffs?

MS. PAGANO: No and the water retention would be going underneath the parking lot.

MR. BABCOCK: You're going to combine both of the lots into one?

MS. PAGANO: Yes.

MR. KANE: So this is currently two separate lots and they're going to be combined into one lot?

MS. PAGANO: Correct.

MR. KANE: And the total requirement, the existing stuff is based on it being one lot like your net lot area proposed 29,000?

MS. PAGANO: Is for the two lots joined together.

MR. KANE: Thank you.

MS. LOCEY: The addition is almost four times as large as the existing building.

MS. PAGANO: Correct.

MR. BABCOCK: It appears they've put a couple jogs in the building so that they could maintain the 13 foot 9 inch that the existing building, other than that probably an entranceway there which is 7 foot, 8 off the rear yard.

MR. KANE: So you've got a total of about 5,000 square feet of office space, how many doctors are we going to have?

MS. PAGANO: I don't know exactly how many, two, three.

MR. KANE: Any further questions, Eric?

MR. LUNDSTROM: No.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Dr. Louis Cappa for his request for an 11,443 square foot minimum lot area and 36.25 foot rear yard setback and 35 percent developmental coverage for proposed addition to existing medical office at 534 Blooming Grove Turnpike in a PO zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

GARY_WALTERS_(07-24) _____

MR. KANE: Gary Walters. Request for 2 foot maximum height for proposed 6 foot fence to project between the house and the road at 6 Hillcrest Drive.

Mr. Gary Walters appeared before the board for this proposal.

MR. KANE: State your name and address for the record.

MR. WALTERS: Gary Walters, 6 Hillcrest Drive. I'd like to request a variance to install a 6 foot fence for 125 feet along my property line at Lake Road.

MR. KANE: How far off of the road do you propose to put the fence?

MR. WALTERS: On the property line which I believe is about 10 to 11 feet off the road.

MR. KANE: In the building of the fence cutting down substantial vegetation, trees?

MR. WALTERS: No.

MR. KANE: Create water hazards or runoffs?

MR. WALTERS: No.

MR. KANE: More importantly is the fence going to block the line of sight of anybody driving down the road?

MR. WALTERS: No.

MR. KANE: And the reason for 6 foot instead of four?

MR. WALTERS: It's a privacy issue, over the past few years there's been a lot of increase in traffic flow on that road.

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MR. LUNDSTROM: Fence is only going along the front side by Lake Road?

MR. WALTERS: Correct.

MR. BABCOCK: Lake Road is actually the rear of his house, he actually fronts on Hillcrest Drive and Lake Road is the main drag if you will for everybody to go in and out of that area so his rear yard has the main traffic on it.

MR. KANE: Let the record show it's pretty straight run, you can't see how the fence would affect any view for oncoming traffic. Okay, any further questions? Eric?

MR. LUNDSTROM: None.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I'll offer a motion to schedule a public hearing for Mr. Gary Walters on the requested variance as presented in the agenda of June 11, 2007.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

BLOOM_&_BLOOM_(07-27) _____

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. KANE: Request for 32 foot rear yard setback for proposed addition to existing commercial office building at 530 Blooming Grove Turnpike. Didn't you just expand?

MR. BLOOM: We did only about two years ago, actually three I guess, I think it was two or three and we have my niece coming to join us in another year or so we need to expand a little bit in the back. I have some photographs if I may just present those to the board. As a result of my conference at workshop and with the planning board, I believe we only need a 31 foot setback variance in the back I believe, according to the site plan we've got 19 and I think that would be 31.

MR. KANE: You'll be sure of that number?

MR. BLOOM: You're right, I think I'll defer to the board and let's go with 32, I agree we'll go with 32. You'll notice that the addition that we would like to make is going to be totally in keeping with the existing addition we did about three years ago and consistent with the architecture of the house of the office itself originally, it does not appear that we need any other variances for parking or anything, those all seem to have been addressed in a prior application and the fact that we're going to be adding four spaces to it as result of our connecting to the public sewer now which is available and removing the existing septic which will permit some parking at the rear.

MR. KANE: So you're going to add additional parking there, it's okay?

MR. BLOOM: Yes, four spaces which will be limited to employees only.

MR. KANE: That's going to keep you in range with your variance, the previous variance you had for five spaces?

MR. BLOOM: Yes, it will, Mr. Chairman. The only one that we do not meet is the rear yard setback.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. BLOOM: No, there will be no cutting of any trees or vegetation.

MR. KANE: Creating any water hazards or runoffs?

MR. BLOOM: I don't believe according to my builder, no, and just from my eyeballing it I don't foresee any.

MR. KANE: I don't think so on that piece of property.

MR. BLOOM: It's fairly flat. Although the plan doesn't show it we also intend to plant conifer trees across the back once we're complete so as to protect the view of the new subdivision in the back.

MR. KANE: Just to clarify the developmental coverage is okay cause you're putting a paved parking area in the back?

MR. BLOOM: Yes, we are, let's make sure on the developmental coverage on that.

MR. BABCOCK: There was a misprint, I talked to Mark Edsall, he had called me on that, there's a misprint somewhere in the table, I'm not quite sure where that is but based on that, there's no requirement for developmental coverage. I see the last applicant that

was here we did that with 20 percent.

MR. KANE: Let's just make sure before you get the notice into the newspaper that he doesn't need anything on developmental coverage.

MR. BABCOCK: Okay.

MR. KANE: I mean just looking at it with the paving in the front and the home and paving going in the back it may be something that meets but I'm not doing that math that fast right here.

MR. LUNDSTROM: Twenty percent.

MR. BABCOCK: Twenty percent, okay, we'll add that developmental coverage to his variance, this way there's no question.

MR. KANE: Okay, to me just looking at the pictures looked like it might be an issue. Eric, any further questions?

MR. LUNDSTROM: No questions, Mr. Chairman.

MR. BABCOCK: You would need a 47 percent, Mr. Chairman.

MR. KANE: Forty-seven percent?

MR. BABCOCK: Yeah, if we use the same number as the last applicant which is the same zone it's 20 percent, 67 percent so he'd need 47 percent.

MR. KANE: We'll add that.

MR. BABCOCK: We'll add that to it.

MR. KANE: Mike, he needs 47 percent to go to 67 or he needs 27 to go to 47?

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MR. BABCOCK: He needs 47 to go to 67, he's allowed 20, he wants 47 more so he can go to 67.

MR. KANE: No further questions, I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Bloom & Bloom for request for 32 foot rear yard setback for proposed addition to an existing commercial office building and also a 47 percent developmental coverage variance all at 530 Blooming Grove Turnpike in a PO zone.

MR. TORPEY: Second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MICHAEL_LUCAS_(07-23)

MR. KANE: Request for 13,012 square foot for lot #1 and 13,012 square foot for lot #2 for minimum lot area for proposed subdivision at Route 94 & Lucas Drive.

Mr. Michael Lucas appeared before the board for this proposal.

MR. LUCAS: Evening everyone. Michael Lucas, 146 Quassaick Avenue, New Windsor, New York. Okay, my wife and I would like to take our property which is at one time a 2 lot property and house we built on it for reasons of which I stated in the application we would like to build another house, subdivide the property, build a house above where we are and the reason more than anything else is that we have lived in the town our whole lives, I've been involved, I've been a fireman my whole life here in New Windsor. I've been on the planning board and I love my town and I want to stay here, seems like lot of people just getting ready to pack up and leave, I'd like to stay here doing this project for us allows us to stay in the town and also gets us down a little bit smaller house, easier to take care of and a lot of my friends are telling me the reason I'm doing it is because it's on Lucas Drive so that's what we're doing.

MR. KANE: So the required lot area we're looking at is 43,560 square feet is the requirement you're looking at having two lots at 30,548 square foot?

MR. LUCAS: Correct.

MR. KANE: So you know the 13,000 sounds like it's a lot we're talking maybe about 25 percent.

MR. LUCAS: Right but the lot that I'm creating compared to all the other lots three times larger, even the lots I'm creating lots on Lucas Drive most of the

lots on Lucas Drive if you look at them some of them are less than a third of an acre, some of them are 10 foot off the road, so the lot that I'm creating is larger than any lot on the entire Lucas Drive as you go up.

MR. KANE: So in your opinion that's splitting the lots making them in this size you're actually improving the neighborhood, we're not taking away?

MR. LUCAS: I believe it would make it more conforming because if you come down that road where I live and behind it that property I want to subdivide and there are two houses across the street and then Walt Koury there's like three or four houses all like quarter acre, third acre lots, I think it will look good on the property, it will have a larger yard than the other ones and it will conform, it will look good in that neighborhood.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. LUCAS: No because if you look at the pictures that I brought here there was a lot of trees yeah but there's an area up there that's been cleared, I think at one time he may have had a garden up there or whatever and we've always kept it and that's exactly where the house is so there's really and there's some beautiful trees, I have some western white pines about 150 years old, I've got black walnuts, I've got quite a variety of trees because that piece of property at one time was the entrance to the estate that's above there and I've developed, I haven't cut any trees down unless they fall down, one of the spruces died.

MR. KANE: Creating any water hazards or runoffs?

MR. LUCAS: Actually I'm going to increase the property as far as the runoff is concerned because the Highway

Department came this year and I worked with them because the vehicles as they go up the hill Lucas Drive is slanted and they've lost a couple of trucks off the road sliding into my property so we got together this year, we took the trees that were hanging over so it didn't damage the trees so I'm going to create an area so that there will be a boundary there so that they won't lose the truck next time.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Your existing house has a garage, detached garage with it, do you have any plans on building a garage in your proposed house?

MR. LUCAS: No, I think what we're talking about doing if you look at the entrance it's going to come off Lucas cause I wanted to so it comes off Lucas and then the garage will be underneath the house so it will be a lot smaller, most of the houses did have garages but this one will have it underneath. I went over with Mark Edsall there's sewer and water there, it does drop off kind of critically in some areas but that won't affect where the house goes and I think it will be an asset to the road and also help my wife and I stay in this area that we love so much.

MR. KANE: Any further questions, Eric?

MR. LUNDSTROM: None here, Mr. Chairman.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Michael Lucas in his request for 13,012 square foot for lot number 1 and 13,012 square foot for lot number 2 for minimum lot area for proposed subdivision at Route 94 and Lucas

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Drive in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MARIA_&_PHILIP_INGENITO_(07-29)

MR. KANE: Request for 25 foot minimum lot width and 4 foot side yard setback and interpretation and/or use variance for single family home with two kitchens for proposed addition to existing home at 438 Bull Road. Evening, just your name please and speak loud enough for this young lady to hear you.

MRS. INGENITO: Maria, M-A-R-I-A Ingenito, I-N-G-I-N-I-T-O.

MR. LUNDSTROM: Is that spelled incorrectly?

MRS. INGENITO: Yes, you have Mary and it's Maria. We're looking for an area variance to add an accessory apartment onto our home for my in-laws, the side setbacks will be affected for a 4 foot variance, it would be occupied only by my in-laws. They need our help at this point and they're here.

MR. KANE: What we usually try to do with the second kitchen and what they used to call like a mother daughter type thing is actually get it on record that there's absolutely no intent to use this as a rental or that it will be rented out so everything we do will be geared to getting your statement on record that it's not going to be used that way. We'll deal with first with the addition itself, cutting down any substantial vegetation or trees in the building of it?

MRS. INGENITO: Not at all.

MR. KANE: Creating any water hazards or runoffs?

MRS. INGENITO: Not at all.

MR. KANE: Any easements going through the area where the addition is going to be?

MRS. INDENITO: Not at all. We'll be drilling a new well and upgrading the septic.

MR. KANE: And as far as the two kitchens and the single family will the home be on one--

MS. LOCEY: Electric meter.

MR. KANE: Thank you, one gas or electric meter?

MRS. INDENITO: There's no gas but we'd prefer just to have separate utilities just for simplicity if that's possible.

MR. KANE: We usually try to keep that under one because that keeps it away from being used as a separate apartment so that's something we kind of lean towards on that one.

MRS. INDENITO: We'll have to work around that then they'll have their own furnace and heating system, AC and all that.

MR. KANE: Yeah, that's something that we're, usually we like to see happen with these things cause it really kind of keeps it altogether instead of being used as an apartment.

MRS. INDENITO: Okay.

MR. KANE: Any further questions on this?

MR. LUNDSTROM: I have none, Mr. Chairman.

MR. BABCOCK: Can I just say one thing on this? The one thing that the applicant should understand is that if it's two separate units and it's considered to be a two-family house they need a use variance which is difficult.

MR. KANE: Probably almost impossible. Basically what a use variance comes down to is that first of all it can't be self-created which really knocks everything out of the bag. The other thing is that the property itself can't be sold for the existing use and that doesn't mean at a profit, that means for a reasonable return. So even if you took a loss on the house you would have to prove to us you couldn't sell your home as a single-family home for any amount of money basically to get a use variance totally different from an area variance. We'll let the lawyer talk.

MRS. INDENITO: Please do.

MR. KRIEGER: The difference is this, if you're talking about what in essence an addition to a one-family house that's an area variance it's much easier to get, there are certain criteria that the board will ask about to make sure that that's going to be the case. If you're talking about a completely separate unit now you're talking about converting your single-family house into a two-family house and since two-family houses are not an allowed use in that zone you would need a use variance, a variance permitting you to use your property in a way not permitted under the rules of the zone. As the chairman indicated, getting a use variance because of the state has been now very difficult, you have to meet some very high standards to do that. And what the board is concerned about with having an addition is making sure that there's no rentable unit afterwards so that life being the way it is, it goes on and the next people who own it can't say oh well, just this is wonderful now we have a house with a rentable unit and we can rent it on the side, now all these people who thought they were living in a one family neighborhood now have a two-family house in there which isn't fair to the rest of the people in the neighborhood. So their concerns with respect to the single meter, you're going to be asked about internal lockable doors, lockable doors and this is always in

their interest to make sure that it is not a separate unit, it can later be rented out either by yourself or somebody else when the current need no longer exists. Under the zoning law as it exists in New Windsor if you are to expand your house to have your parents or your in-laws or some family members live there that's fine, you can, one family can be as big as one family is, it's the ability to have a unit that later on you can use to rent to strangers and a commercial proposition that they're concerned about and the board is concerned about its existence long after the members, these members of the board are no longer on this board and the people involved are no longer here, the property will still be here.

MRS. INDENITO: But if we created and designed it so there's easy access to the apartments in between the two that's a major criteria, right?

MR. BABCOCK: There's really not two apartments, that's what you have to stop saying, what you're doing is you're actually creating a single family house, you're putting an addition on your house with another kitchen so you're going to have two kitchens in your house.

MRS. INDENITO: What do I call it?

MR. BABCOCK: Additional area.

MR. KRIEGER: New portion of the existing house.

MR. LUNDSTROM: One of the concerns I have is that between on the plan looking at the back of the plan between the existing house and the proposed addition there's an area that's been marked off with fire walls saying existing garage.

MRS. INDENITO: That was drawn up before we realized this and so we're, we asked the architect who's working on the plans now to incorporate some kind of a

pass-through that we can get to so it won't be a--

MR. LUNDSTROM: So the two are one, not two separate entities but one?

MRS. INDENITO: It will be more, we're trying to keep some of our garage space in this area our storage area cause I'm losing my two bay garage, I'm going to try to add one for us and one for my in-laws but we never use the two bays, we only use one, the rest was for storage.

MR. LUNDSTROM: Looks like this thing on the bottom is what you're currently using as the garage line?

MRS. INDENITO: That would be the additional garage that we're trying to add because we're trying, taking away most of it for the living area.

MR. LUNDSTROM: Convert that into a utility room?

MRS. INDENITO: Yes, just for storage.

MR. LUNDSTROM: On the plans you may want to call it that that might make it easier.

MRS. INDENITO: If it's a storage area in between the two areas.

MR. KANE: Right and has to be free access to both sections of the home.

MRS. INDENITO: Okay.

MR. BABCOCK: So if you can live with those conditions then you should go on for an interpretation of having a single family house with two kitchens. If you can't live with those conditions of no separate utilities and basically when you come in your front door you're able to go throughout the house, there's no lockable doors

that keep you from one area to another that's fine, if not, you need a use variance for two-family house so that's the difference.

MRS. INDENITO: So if I draw it up this way with the access I don't need a use variance?

MR. BABCOCK: That's correct.

MRS. INDENITO: That would be much easier.

MR. BABCOCK: Yes.

MR. KANE: And what's going to happen is that we, you know, we'll go and vote on the lot width and the side yard setback and then we'll go forward to the interpretation which is basically getting you under oath on record stating what the use of that mother daughter is going to be that it's for family, it's not going to be a rentable unit, that kind of stuff and that will all be again on record.

MRS. INDENITO: That's fine, we don't want tenants.

MR. KANE: No, we just like to explain it. I'll accept a motion if there's no further questions.

MR. LUNDSTROM: I'll offer a motion to schedule a public hearing on the application of Maria and Philip Ingenito's request for 25 foot minimum lot width and 4 foot side yard setback and interpretation for single family home with two kitchens with proposed addition to existing home on 438 Bull Road in an R-1 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE

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MR. TORPEY
MR. KANE

AYE
AYE

NORTH_PLANK_DEVELOPMENT_CO._ (07-25)

MR. KANE: Request for interpretation and/or use variance to permit day spa in a PI zone at 673 Little Britain Road.

Mr. John Lease appeared before the board for this proposal.

MR. LUNDSTROM: Your relationship to the owners?

MR. LEASE: That's me, I'm North Plank. I built a little office building, I took some pictures and in trying to rent, it's an office building and I've had a terrible time trying to rent it. The day spa, La Image that's on 207 would like to rent it and I took some pictures of the interior and we agreed on 30 year lease, a 20 year lease with a 10 year option and I guess I would like to ask the town if that could be an acceptable use. Sixty percent and I got a floor plan made up by A. J. Coppola's office, 60 percent or so of the building is basically reception area, consultation room and office type space and very similar really identical to the space they already have in the office building on 207 and the other 40 percent would be salon type area.

MR. LUNDSTROM: Could I ask you to put that on the display board so everyone can see it?

MR. LEASE: Sure, I have another one.

MR. KANE: If we have an existing office building and he wants to put a business in it what are we interpreting?

MR. BABCOCK: It's not an office, that's what we're saying.

MR. KANE: Day spa is not an office?

MR. BABCOCK: That's correct. The day spa is a personal service, what we consider a personal service that's why he's here tonight. He has had difficulty renting it out, I can tell you that I've work with John on several occasions on different tenants trying to rent it out and he has yet to get a tenant that fits what we describe as an office. This is like he says probably better than half of it's office area but part of it is not. In the definition of the code a spa is a personal service and personal service is not permitted in this zone, PI zone.

MR. KANE: What's the percentage that's going to be used as office space?

MR. LEASE: I think with the waiting room and the reception area it's about 60 percent and the other 40 percent is salon area, some of the rooms are massage type rooms or consultation rooms, finished office area is about 60 percent.

MR. KANE: What other types of businesses are in the general area where this building is?

MR. LEASE: You have Mr. Rider's office two doors to the left, the attorney's office, and you have WGNV immediately to the left that's who I bought the property from and then New Windsor Meat Packing to the right, meat packing plant to the right and then up behind it I have 9 acres of vacant land behind it and Washington Lake across the street.

MR. KANE: How is a meat packing plant an office?

MR. LEASE: That's pre-existing.

MS. LOCEY: I think they closed, didn't they close?

MR. LEASE: Well, they sold, I'm not sure they sold,

yeah.

MS. MASON: It's still pre-existing.

MR. LEASE: I think what makes it a little different I've had salons and a lot of retail uses that want the building but what makes it different is they took the whole building so it really I think takes away retail aspect.

MR. KANE: Saying this is not going to be the whole building?

MR. LEASE: They took the whole building, 3,500 square feet.

MR. TORPEY: That's not a bad spot.

MR. LEASE: They have to do a pretty expensive buildout because they've got pretty much to do, it's a good size buildout, they have to do a little bit of a buildout, spend some money. I walked through their existing place, they exist right now for the first five years that they've been in business at the office building on 207 I asked if they had any problems, I was told they didn't have any problems which is an NC zone.

MR. KANE: That's not a retail, that's an office building?

MR. LEASE: Office building, they're in Mr. Westage's building.

MR. BABCOCK: Across from the new car wash on 207.

MR. LEASE: So that's why I took pictures of the outside because the outside has an office appearance, you walk into a reception area, consultation and office rooms on the right and salon type area to the left and it really is a very similar layout to what they're

looking to do in my building.

MR. BABCOCK: Mr. Chairman, as you know, when the codes are done not every new or type of business is listed in the code so you have to try to make it fit, that's where the problem is here, so we need a little help making this fit here.

MR. KANE: I think 60 percent being used approximately as office space in there gives us something to work with. What do you think, Eric?

MR. LUNDSTROM: I would concur with that.

MR. KANE: I think it's a good use for the building and I think we've got enough unused buildings in New Windsor.

MR. BABCOCK: Well, my department has no objection to this.

MR. KANE: I think the 60 percent to me makes a big difference.

MR. LUNDSTROM: Would you want to make that a part of the resolution?

MR. KANE: We can do that but we wouldn't be doing that tonight anyway, this is prelim.

MR. TORPEY: Does that go under special permit?

MR. BABCOCK: No, just under interpretation.

MR. KANE: Not something we're going to do tonight, it's got to be--

MS. LOCEY: Oh, no, you're saying because 60 percent or more than half would be considered office that we interpret it as an office type of building?

MR. BABCOCK: Or this use, the floor plan is acceptable.

MR. KANE: I think it makes sense.

MR. BABCOCK: For an interpretation I think he needs a public hearing also.

MR. KANE: Has to be in the public.

MR. LUNDSTROM: One of the considerations we're having here is that 60 percent of that building would remain as a business type office, is that something that you can live with?

MR. LEASE: Sure, that floor plan and it appears--

MR. BABCOCK: He's talking about a 30 year lease so--

MR. LEASE: That floor plan works out to be so sure.

MR. KANE: I think it makes sense, I don't think it's out of character and that's why we're here to interpret so that's my feeling on it. Any further questions? Parking, Michael, is adequate for the use?

MR. BABCOCK: Yes.

MR. KANE: Under those circumstances I'll accept a motion.

MS. LOCEY: I'll offer a motion the we schedule a public hearing on the application of North Plank Development Company and a request for an interpretation and/or a use variance to permit a day spa in a PI zone all at 673 Little Britain Road.

MR. BABCOCK: No use variance, just an interpretation.

MS. LOCEY: Interpretation and/or.

MR. BABCOCK: No.

MS. LOCEY: We need to make that determination at the public hearing.

MR. KANE: He still has the right to go for use if that was something he wanted to do, if the interpretation fails they can always turn around and go for a use.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

VITO_A._RIZZI_(07-26)

MR. KANE: Request for interpretation and/or use variance to extend commercial use into R-4 zone at 287 Windsor Highway.

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. BLOOM: Good evening again ladies and gentlemen, I represent Anthony Rizzi and he'd like to remove the existing residence located on the subject property and replace it with a small retail shopping area just over 14,000 square feet. The problem arises from the fact that it's properly zoned for the shopping area from Windsor Highway in 200 feet into the property but beyond that you're in an R-4 zone and that would extend farther than the statute or ordinance permits even at that point. So, therefore, it will be necessary for him to get a use variance. I don't believe there are any other bulk variances required, the lot seems to be able to accommodate the proposed construction, however, the question of whether or not the board will be able to act favorably on it obviously will come down to whether or not the applicant can meet the necessary standards of the Town Law and in that regard I respectfully suggest to the board that we'll be presenting necessary financial data on that issue and expert testimony and an appraiser as well.

MR. KANE: You understand how difficult it is?

MR. BLOOM: Exactly.

MR. KRIEGER: Having been this way before.

MR. BLOOM: I might say the proposed construction is consistent with the general neighborhood and the proposed construction I would respectfully submit will definitely in my opinion improve the quality of the

neighborhood and raise the values of the properties around it. Really the problem arises from the technicality of having to pass through the existing permitted zone into the R-4 zone in the rear. You'll notice also that the plan proposes substantial amount of plantings and my client is prepared to even increase the amount of plantings that the planning board has requested in order to obviously limit the intrusiveness of the new construction on the residential areas to the rear of the property.

MR. KANE: What's next to this piece of property on 32 on either side?

MR. BLOOM: If you're facing the property to the left is the law offices, what used to be Alfred Cavalari, Flag Guys and I think there's also that new--

MR. KANE: Orange County Pools, Flag Guys.

MR. BLOOM: There's the contractor.

MR. BABCOCK: Steve Kuprich.

MR. BLOOM: To the right of that used to be the muffler place and across the street is the Giant Carpet building.

MR. KANE: So really does fit that area.

MR. BLOOM: I feel it does, yes.

MR. BABCOCK: Mr. Chairman, this did go to the planning board and through the workshops and the planning board, the planning board is saying that they like the building, the parking in front of the building cause the parking is what causes us the most problem with headlights and noise towards the commercial so if they pulled the building to the front, put the parking in the rear it's actually going to be worse for the

people, the residents back there for the noise for the headlights and so on and so forth. So the planning board has said that they, the parking is better off in the front of the retail.

MR. KANE: I agree.

MR. BLOOM: I don't know if you know the background. My client ran the deli, Anthony's Deli on the corner of 300 and 32 and moved to Newburgh and he'd like to come back actually locate in this building if this can work.

MR. KANE: So far it makes sense, the rest is going to be up to you and your team of specialists. I have no further questions at this time.

MR. LUNDSTROM: I have no further questions either.

MR. TORPEY: No.

MS. LOCEY: The applicant if this use variance is approved it would be for a deli is that what you're saying?

MR. BLOOM: No, it will be for more than a deli, he would put, he's contemplating putting his deli in a portion of it but the rest of it would be rented retail space.

MR. BABCOCK: It's a strip mall.

MR. KANE: You're going to have a couple retail spaces.

MR. TORPEY: Some space in there.

MR. BABCOCK: They're allowed there.

MR. LUNDSTROM: Mr. Chairman, I do welcome the comments from the building inspector cause my original feeling was would it make sense to put more of the building

closer to the road but with what interpretation and the comments from the building inspector this plan makes sense.

MR. KANE: I ran that pool store for eight years and parking is a nightmare along that area so parking out front makes a lot of sense, you have the neighbors right behind you and it's not fair to have the parking in the back of the building.

MR. LUNDSTROM: Having the building in the back protects the residents back there.

MS. LOCEY: He's looking for a use variance, is that correct?

MR. KANE: Yes.

MS. LOCEY: So he still has to go through whatever requirements he needs to.

MR. KANE: Whether we like it or not.

MR. BLOOM: Absolutely.

MR. KANE: And that's why you're going to make a proposal to set him up for a public hearing.

MS. LOCEY: I'd like to offer a motion on the application of Vito Rizzi for his request for interpretation and/or use variance to extend commercial use into an R-4 zone at 287 Windsor Highway in a CR-4 zone.

MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE

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MR. TORPEY
MR. KANE

AYE
AYE

PUBLIC_HEARINGS

WILLIAM_SARVIS_(BY_ZEN_DESIGN)_(07-13)

MR. KANE: Request for 9.1 foot side yard setback and 32.3% developmental coverage for proposed addition to existing detached garage at 167 Moores Hill Road.

Mr. Kenneth Lytle appeared before the board for this proposal.

MR. KANE: Good evening, your name and address.

MR. LYTLE: Ken Lytle representing William Sarvis. My client is proposing a small addition to an existing garage he has on this parcel. Apparently in doing so requires two variances, one will be a side yard variance and the other would be a building coverage, developmental coverage over the property, requirement is 20 percent, it's currently at 29.7 percent and it's been there for years. And he's looking for a 2.6 percent increase taking up the 32.3 percent of total developmental coverage.

MS. LOCEY: I think we have a typo.

MR. BABCOCK: Yes, we do.

MS. LOCEY: On the notice of disapproval it says requested variance 32.--

MS. MASON: Is this number greater than what he's asking for?

MS. LOCEY: He's supposed to have 20 percent, he's requesting 32.3 so it's 12.3.

MS. MASON: We're okay with the public hearing notice because it went out at 32 percent, it should be what, Mike?

MR. BABCOCK: It should be 12.3.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the addition?

MR. LYTLE: No.

MR. KANE: Creating water hazards or runoffs?

MR. LYTLE: No.

MR. KANE: And besides the developmental coverage, why can't the addition go if we're looking you're on the left side from my point of view you wouldn't need the variance if it was on the right side?

MR. LYTLE: On the right side you still would, if you look at the property where the property line is the rear of the garage extends a little bit over the property line actually coming back here it would be narrowing closer to the house, wouldn't allow for turning and access into it.

MR. KANE: Okay, fair enough. Any easements where you want to put the addition?

MR. LYTLE: No.

MR. LUNDSTROM: The current structure is that a two car garage?

MR. LYTLE: Yes.

MR. LUNDSTROM: This would make it a three car garage?

MR. LYTLE: That's right.

MR. KANE: At this point, I will open it up to the public and ask if anybody's here for this particular

hearing? Nobody here we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On May 30, I mailed out 10 addressed envelopes and had no response.

MR. KANE: And let me ask this since it's by the road just so we have it on the record the garage itself at that point is not going to inhibit any view of traffic going down Moores Hill?

MR. LYTTLE: Not at all.

MR. KANE: I have to ask.

MR. LYTTLE: Yeah, it's over 20 feet back off the road.

MR. KANE: I have no further questions. Eric?

MR. LUNDSTROM: I have no further questions, Mr. Chairman.

MR. TORPEY: No.

MS. LOCEY: No.

MR. KANE: Then I'll accept a motion.

MS. LOCEY: I'll offer a motion to approve the request of the applicant William Sarvis and his request for a 9.1 foot side yard setback and 12.3 percent developmental coverage for a proposed addition to an existing a detached garage at 167 Moores Hill Road in an R-1 zone.

MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MR. LUNDSTROM AYE

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MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

ANTONIO_TOMMASI_(07-16)

MR. KANE: Request for 5 foot side yard setback and 5 foot rear yard setback for proposed 54" above-ground pool at 2809 Cherry Tree Way in an R-4 zone.

Ms. Maria Tommasi appeared before the board for this proposal.

MS. TOMMASI: Hi, Maria Tommasi, we're just looking to put in an above-ground pool on the rear side yard.

MR. KANE: Creating any water hazards or with the building of the pool?

MS. TOMMASI: No.

MR. KANE: Cutting down any trees or substantial vegetation?

MS. TOMMASI: No.

MR. KANE: Is the pool, what size pool is it?

MS. TOMMASI: It's 15 x 30.

MR. KANE: Oval pool similar in size and nature to other pools in your neighborhood?

MS. TOMMASI: Smaller actually.

MR. KANE: Is there any easements in the area where you're proposing to put the pool up?

MS. TOMMASI: That's why we need the variance five feet on each side, we'll come back five feet on the back fence and the side and we need 10 so we need the five feet.

MR. KANE: That's not an easement.

MS. TOMMASI: Sorry.

MR. KANE: I'll help ou out here in a minute. Let the record show I don't see any easements on the tax map or anything like that. An easement's a right-of-way through your property, basically telephone, water, electric where technically you shouldn't build anything on it if you do they can plow right through and not even ask your permission.

MS. TOMMASI: Not as far as I know.

MR. KANE: And five foot off the property line is your property fenced?

MS. TOMMASI: Yes, it's already fenced.

MR. KANE: Thirty-five foot off the property line is enough to meet the requirements for New York State code on pools?

MR. BABCOCK: Yes.

MR. KANE: So the pool wall acts like a fence?

MR. BABCOCK: That's correct.

MR. KANE: Do you understand that if it's approved you still have to meet all of the requirements from the building department?

MS. TOMMASI: Correct, we have a list of electricians I believe you provided us and we have pool alarm.

MR. KANE: New law in New York State this year is pool alarms. At this point, I'll open it up to the public and ask if there's anybody in the audience for this particular hearing? Seeing as not, we'll close the public portion of the meeting and ask Myra how many

mailings we had.

MS. MASON: On May 30, I mailed out 57 envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion that we approve the application of Antonio Tommasi request for five foot side yard setback and five foot rear yard setback for proposed 54 inch above-ground pool at 2809 Cherry Tree Way in The Reserve in an R-4, R-3 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

FIRST_COLUMBIA_(07-11) _____

MR. KANE: Request for 2 foot height and 10.25 foot width for facade sign at 500 Hudson Valley Avenue in an AP-1 zone.

Mr. Ozzie Beichert appeared before the board for this proposal.

MR. BEICHERT: My name is Ozzie Beichert, I own Timely Signs in Kingston. We're representing First Columbia, actually their tenant LSI Lighting Solutions in this procedure. And I think the reason that we're asking for this variance is the distance from the road is rather substantial and I guess at the last meeting we've got the pictures and it's 1,040.

MR. KANE: From the road?

MR. BEICHERT: Yes and when you look at it from that perspective it's pretty small.

MR. KANE: Is the light illuminated in any way?

MR. BEICHERT: No.

MR. KANE: Is this the only sign on the building?

MR. BEICHERT: Yes, the address there, the number is 500 but that's the only sign.

MR. LUNDSTROM: On this map here that you provided there's a dotted line is that a proposed road?

MR. BEICHERT: That I, let me just take a look at it.

MR. BABCOCK: That was an existing road.

MR. BEICHERT: Yeah, I think they've just eliminated that.

MR. BABCOCK: That was the existing road that the military housing was on that they tore down that's where LSI is now, LSI is on 207 there by the water fountain, the new fountain by the new red light.

MR. KANE: Now that kind of distance off the road it doesn't seem overly big to me at all. I'll get the public portion out of the way. Anybody here for this particular hearing? We'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On May 30, I mailed out 9 addressed envelopes and had no response.

MR. KANE: Eric, any further questions?

MR. LUNDSTROM: I have no further questions, Mr. Chairman.

MS. LOCEY: No.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion regarding the application of First Columbia by Timely Signs of Kingston to approve the request for two foot height and 10.2 foot wide variance for a facade sign at 500 Hudson Valley Avenue in an AP-1 zone.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Request for 37,927 square foot minimum lot area, 70 foot minimum lot width, 22 foot front yard setback, 7 foot side yard setback, 14 foot total side yard setback, 10 foot rear yard setback and 8 foot required frontage all at 11 Myrtle Avenue in an R-4 zone.

MR. LOMBARDI: My name is Frank Lombardi, I'm here for as the builder for the Estate of Crudeli, the owner of this lot in question. They'd like to develop it, put a house on it at this point in time. This lot is pre-existing, 1950, doesn't conform to the current code that we have today so this lot also has water, sewer and gas and utilities on it and chairman said all the variances that we need to build this lot. On this tax map we have here the lot in question is 62.6 feet wide and all the other ones colored in purple are less than, equal to or less than this lot, so the majority of the neighborhood 110 is equal to or less than and 93 are greater than this lot that we have here today and we're proposing to put up about and 1,800 square foot house which conforms to the majority again of the houses in the neighborhood.

MR. KANE: So not changing the nature of the neighborhood, the lot size and the size of the home?

MR. LOMBARDI: Correct, we actually are trying to conform to some of the setbacks and bring the house towards the middle of lot. The houses on either side are road frontage within 3 feet, you walk out the door you have a step and you're in the street. So there's no reason to try to conform to the front of house to make it look uniform because it doesn't make sense to be right on the road, you can't even pull out, sight distance you don't want to step out the front door, you have no front yard. So we're proposing to bring it back which makes it conform to a little bit more of the

setbacks that are required. We don't make them all but it does get closer to them, some houses on the street are back, some of them are road frontage so we did the best we can to get it kind of in the middle of the lot without changing the neighborhood or making it look like it doesn't belong there.

MS. LOCEY: That yellow?

MR. LOMBARDI: Disregard that, that's number 12, we're using the same map for two presentations.

MR. KANE: They have the next hearing also.

MS. LOCEY: Okay.

MR. LOMBARDI: The lot in question is this one, we made the map for the next hearing so this is the vacant lot and it still conforms, these are all 30s 30s 50s 40, 45, this one's 62 so they're all still less than.

MR. BABCOCK: Sounds like a decent size variance but it's because of the new zoning as the years go on the zoning went up and up and up and there's no way.

MR. KANE: This is basically a standard size lot in that neighborhood in this town.

MR. BABCOCK: As you can see it is.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. LOMBARDI: No.

MR. KANE: Creating water hazards or runoffs?

MR. LOMBARDI: No.

MR. KANE: Any easements running through the property?

MR. LOMBARDI: No.

MS. LOCEY: What's this?

MR. LOMBARDI: It's an outside barbecue or something like that, it looks like that's with the neighbor and if you can look at the survey it's over 1.5 and 1.2 because this lot line is on a diagonal between the two properties.

MS. LOCEY: Does it have to come out?

MR. LOMBARDI: Only unless the new owner of this property objects to it or bank with a mortgage says they don't want it there.

MS. LOCEY: Okay.

MR. KANE: You said there was an 1,800 square foot house?

MR. LOMBARDI: Numbers come out to 1,800 approximately.

MS. LOCEY: So you're proposing to put an 1,800 square foot house on that lot?

MR. LOMBARDI: Right.

MS. LOCEY: Is that about the same size as other houses?

MR. LOMBARDI: On the street it may be slightly larger but within the neighborhood it conforms. The other houses are 1,200 and up to 1,800 but then they don't have closets cause they're built maybe a hundred years ago so you build in the 1,800, it's conforming and livable space to the houses that pre-exist there when you're smaller but then you take out the closets and you know like that so it's not going to be, you look at

it, it's going to look, the size of the house next to it it's not going to look any bigger than what's in eyesight of this lot.

MR. BABCOCK: Is it 1,800 square feet on one floor?

MR. LOMBARDI: No, combined it will be two story.

MR. BABCOCK: So it's 900 square feet per floor?

MS. LOCEY: I understand now.

MR. LOMBARDI: Yes.

MR. KANE: I'll ask if there's anybody in the audience that's here for this particular meeting? Okay, we'll open it up to the public. Do you have any questions? I'm going to need you to give your name and address.

MS. ROBINSON: Valerie Robinson, I live on Merline Avenue. I'm here for two of the hearings but I was very interested in this one. I just want to make sure I've been in the house 11 years now, my family's have lived in the neighborhood for 30 to 70 years and my concern is some of the new houses that have been put in New Windsor are two stories with big peaks and overshadowing by an enormous amount the smaller old houses that are around there. And I just wanted to make sure that with this house that it was one of the houses that are down the street from me has eight foot ceilings in their garage and then two stores on top of, towers over the houses in the neighborhood by a huge amount. I just want to make sure that it was going to be a two story house cause there's only three or four of yours in the neighborhood that have one I have one of them that looks like it belongs in the neighborhood cause there are a couple of houses that look like they have been there forever, even though they're brand new, I want to make sure it's going, it looks like it's going to fit in this very old neighborhood.

MR. LOMBARDI: The height of the house typically for ceilings on both floors and conforming roof to most of the neighborhood.

MS. ROBINSON: Will there be a full basement underneath the house?

MR. LOMBARDI: This is proposed on a slab right now, the lot does have a gradual declining pitch from the road to the rear so once the house is set in you will be able to walk in the front of the house and maybe the back would stick out four to five feet.

MS. ROBINSON: I'm just concerned about a huge underground basement going and then two stories on top.

MR. LOMBARDI: No, if it has a basement, if it's going to have a basement it's still going to be flush in the front and then it will still stick out in the rear depending on how they got to still do a lot evaluation to see if you have to put too much fill for the slab or put a basement, it's the same level, it's not going to change the level.

MR. KANE: You heard the size of the home, 900 square feet two stories.

MS. ROBINSON: Yes, which is pretty much what we all have.

MR. LOMBARDI: Footprint is 26 foot wide by 36 foot deep.

MS. ROBINSON: I was just concerned when he said 1,800 I was hoping somebody would ask there's not very much one floor 1,800 square foot houses in the neighborhood.

MR. KANE: Any opinion about the project?

MS. ROBINSON: I think it would be welcome to the neighborhood as long as it looked like it was not something that somebody dropped a huge building on the lot.

MR. KANE: Thank you. Anybody else?

MR. J. BABCOCK: Jack Babcock, I live on 12 Blanche Avenue. I'm more than five hundred feet from the residence, but still my neighborhood. Is this the Crudeli piece of property?

MR. LOMBARDI: Yes.

MR. J. BABCOCK: Is there two lots? I can't quite figure out the variances here, is it one lot here or two they're making into one?

MR. LOMBARDI: It's, there's two lots, one has a house pre-existing and this is a vacant lot, if you drive by visually it will look like one lot because he has an entire fence around the two lots now.

MR. J. BABCOCK: I'm quite familiar with the property so the lot is a separate lot from the existing house you're going to build on the existing lot?

MR. LOMBARDI: Correct, the vacant lot.

MR. J. BABCOCK: I'm not against it as this young lady said. I'm interested in seeing new in our neighborhood but I'm concerned as well as her because on Myrtle Avenue they built this monstrosity and you walk out her garage and you look up at this two story house, I don't know if you built it or not, but I don't know how the town ever allowed it to happen but I agree with her, we welcome new homes in our area. And Mike I thought that there was a zoning for small lots, do we still have that?

MR. BABCOCK: No, it's too long, the time has expired for that, Jack, that's why he's here tonight.

MR. J. BABCOCK: That's why I thought it was pre-existing, non-conforming, I thought maybe that played a party in it but we welcome him to the neighborhood but again we don't want to see this monster of a house plugged in between the older residents, the older homes.

MR. BABCOCK: Keep in mind the maximum building height on this particular lot and any lot down there is 35 feet, that's the problem with that other house, we couldn't tell him not to go that high although we didn't want him to I think they know we were involved to try to tell him not to put that basement underneath the house.

MR. J. BABCOCK: You're a hundred percent correct that all the lots were 35 feet, we were fortunate enough to have 32 but we all lived on 35 by 100 lots for years.

MR. BABCOCK: I'm talking about the building height 35 feet high.

MR. J. BABCOCK: Thank you.

MR. KANE: Any further questions? At this point I will close the public portion of the meeting, ask Myra how many mailings we had.

MS. MASON: On May 30, I mailed out 84 addressed envelopes and had no response.

MR. KANE: I have no further questions.

MS. LOCEY: I'll offer a motion to approve all the variances on the application of Frank Lombardi as detailed on the agenda of the Zoning Board of Appeals regular session dated June 11, 2007.

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MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

LOMBARDI/VINCENZO_(07-15)

MR. KANE: I'm not going to read them all off here as per noted in the June 11 agenda.

MR. VINCENZO: My name is Phil Vincenzo and the request we're here requesting you already know about this little yellow, it's the same property, same area.

MR. LOMBARDI: He said they're all the same size the properties here. Basically what we're trying to do here is split the two existing houses that are on 1950 and whatever year it was that they had four lots to go back here and requesting that we break them down into two houses that are pre-existing on two separate lots, right now, they're on one lot and the house is already there.

MR. KANE: Let me explain basically what we have is two existing homes right now, they have been in existence for quite a number of years on the same lot and what we're going to do is divide the lot so they're the two separate lots with the existing homes already so nothing new is being built, it's already there, just trying to clean up the property lines and give them their own space.

MR. J. BABCOCK: Which street is that on?

MR. KANE: That's on--the address?

MR. LOMBARDI: Address is it's on the corner of Lawrence and Bradford, it's, if you know the area, it's a brand new green cape.

MS. LOCEY: So the two houses are already on one lot and you want to subdivide?

MR. LOMBARDI: We're requesting to split the lot rather than rent the houses off and that would more or less be

better for the neighborhood I believe rather than have rentals.

MR. KANE: Create any water hazards or runoffs?

MR. LOMBARDI: No.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. LOMBARDI: The only trees, they weren't trees, brush all overgrown in the front, it's all cleaned up, if you look at the front of Lawrence Avenue in the front all, no trees, all shrubs like wild shrubs that are all cleaned up and the lot was just cleaned up nice.

MR. LUNDSTROM: Which house?

MR. LOMBARDI: The older house, not Cape Cod is the new one, the older one in the pictures would be the white one closer to the road and if you look on the survey that house originally is almost right on the corner of Bradford.

MR. KANE: I'll open it up to the public at this point, please state your name and address.

MS. ROBINSON: Valerie Robinson again. I live on Merline which is directly in front of I guess or behind the green house and I think the house is absolutely gorgeous and I would have rented it if you were going to rent it at any time. But my concern is the house, about 10 others called to make sure that the house was being built properly on the property properly simply because it's very, very close to my neighbor's house and while I think I'm here not to complain but I feel very badly for the gentleman simply because it seems like now he has to get a variance for the back of that property because it's very, very close to the existing

property line. Is that what the idea, did I misread the letter?

MR. LOMBARDI: No, the original, there was an original house right on the pad part of the house that's there now was the old.

MS. ROBINSON: My sister-in-law owned that white house and the cottage and the cottage was taken down and I had been told by the town that the house would just be built on the footprint of the cottage and that's neither here nor there, the house looks beautiful, I think it's a wonderful addition to the neighborhood. My concern I was also going to buy the red house that's right next door that property where all the shrubberies and trees were on the side, my concern is just that I, it's a little too close to the property next door to me, I feel badly that you got to this point and someone mentioned to the neighborhood because we're all a very close neighborhood that you couldn't get a C.O. for the property because it was too close to the property line and I feel badly that you were allowed or they told you to go ahead and do this and then all of sudden now it's something's wrong and you have to fix it.

MR. LOMBARDI: The house was built, old building, permits were gotten, it's been inspected and you can refer questions to the engineer or the board but everything was built.

MS. ROBINSON: The house is beautiful, I'm concerned about how close it is.

MR. LOMBARDI: The whole point is whether the house stays as is or be a rental.

MR. KANE: There's no conditions here for the house to be used, the house is legal to live in.

MS. ROBINSON: I thought he was looking for a variance

to change from the back of the house to the property line of the--

MR. KANE: When we get an older home that doesn't meet the requirements we'll go ahead and give variances so that if it comes up for a refinance or a bank says you're too close to the property line and even though it was pre-existing there's no variance, we go ahead and approve those things, what he's here for is to divide the property so that they're two separate entities.

MS. ROBINSON: But the house was only built within the last six months.

MR. BABCOCK: The house is fine the way it is since he's creating a separate lot for that house he now is creating the setback problems, if he didn't separate the lot he wouldn't be here.

MR. KANE: He could just rent the buildings out and that's, they don't want to rent.

MR. BABCOCK: When you create a lot there's a criteria the lot has to be a certain size, certain setbacks.

MS. ROBINSON: Like I said, I'm under misinformation because the owner of the property had told me a very long time ago that he legally subdivided that property already and that it was two separate lots.

MR. BABCOCK: It's not.

MS. ROBINSON: Well, like I say, we're just dealing with the information that we're told by the people who own it Tiberio (phonetic) had said that he subdivided that a very long time ago and it was two legal lots and anything put on it would not have any problems, I think the house is gorgeous, I don't want to see it go anywhere, it's a tremendous addition to the

neighborhood.

MR. KANE: All we're doing is separating them making them two separate entities and to do that as Mike said we want to make, cross the Ts and dot all the Is as far as offsets.

MS. ROBINSON: Okay.

MR. KANE: If they wanted to, they wouldn't have to be here, they can rent out the homes and go on forever, everything else is legal. So, okay, any other questions?

MS. ROBINSON: No.

MR. J. BABCOCK: Jack Babcock, 12 Blanche Avenue. Was there a building permit on this originally?

MR. BABCOCK: For the new house?

MR. J. BABCOCK: Yes.

MR. BABCOCK: Yes.

MR. J. BABCOCK: How did they get a building permit for a new house?

MR. KANE: He's on an existing, there was a pad there.

MR. BABCOCK: It's a rebuild on top of the existing pad.

MR. J. BABCOCK: What's the percentage you're allowed to rebuild on a small pad there because I remember that bungalow?

MR. KANE: Mr. Babcock, it's not the issue here tonight, it's how they--

MR. J. BABCOCK: I think it leads up to them now coming back for variances after they created, they self-created hardship, they created it themselves by building this house so close to the property lines.

MR. KANE: You can say it's self-created because they want to divide the lot, they can use that house, that house is legal, it has a C.O.

MR. J. BABCOCK: But I'm saying how was a building permit issued when their building is so close to the property line?

MR. KANE: Because it was a legal way to do it. It's a rebuild. They're allowed to do it.

MR. J. BABCOCK: That bungalow was as big as where those two people are sitting.

MR. KANE: Again, not the issue.

MR. J. BABCOCK: I think it's important that that be brought out that I feel it's a self-created hardship.

MR. KANE: Okay, thank you for your opinion.

MR. LOMBARDI: Just to enlighten Mr. Babcock according to the building department rules you're allowed to extend the building, Mike, please correct me if I get misinterpreted, that as long as you stay within the side of the building wherever it may be according to the property line you can't build any further to the property line could you build from the edge of the existing building in which is if you look at the house it's stepped in about two feet. We conform to the front yard setback with that building. I think it's 45 feet the rear yard, didn't matter because it's three foot from the rear yard. So we built forward and that and the other side yard at this point it's the side yard is 20 feet that hundred foot lot it's more than

five feet so according when the building permit was applied for there was no variance needed for any side yards. The building conformed to the envelope to the bulk table in the town in that lot because it was an extension to a building, it wasn't a new building permit, it was a renovation to an existing dwelling, whatever the size of the building was, it had water, sewer in it, it had gas but was uninhabitable deemed on the taxes paying as a building so whether 10 x 10 or 100 x 100 either way if it was 10 x 10 you can add 100 x 100 either way it's an extension to the existing and that's what we did, we conformed to what we asked can we build it, they said yes, we ended up with two houses on one lot.

MR. J. BABCOCK: I still feel you created your own hardship.

MR. KANE: Thank you. Anybody else? We'll close the public portion of the meeting and ask Myra how many mailings.

MS. MASON: On May 30, I mailed out 111 envelopes and had no response.

MR. KANE: Eric, any further questions?

MR. LUNDSTROM: No further question, Mr. Chairman.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion on the application of Lombardi/Vincenzo to authorize the requested variances as detailed on the agenda of the Zoning Board of Appeals regular session dated June 11, 2007.

MR. LUNDSTROM: I'll second that motion.

June 11, 2007

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ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

June 11, 2007

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DISCUSSION _____

HENRY_VAN_LEEUWEN_(07-10) _____

MR. KANE: Discussion, let the record show there's no discussion, that has been cancelled. Motion to adjourn.

MR. LUNDSTROM: So moved.

MS. LOCEY: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer